

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes shall be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- E. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- G. Execute a Use Permit document prior to occupancy.
- H. Hours of operation of the chapel and library shall be consistent with the historic use of the property by the South Peninsula Hebrew Day School, as listed in the table under the "Use" section of this report (pages 9 and 10). All activities shall be directly related to the school and religious program sponsored by the SPHDS.
- I. Outdoor loudspeakers shall be prohibited.
- J. Upgrade trash enclosures serving the school building in accordance with City-Wise Guidelines and Building Code requirements. The

- design shall be approved by the Director of Community Development prior to the issuance of Building Permits. Upgrading of enclosure shall be complete prior to issuance of Occupancy Permits.
- K. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
 - L. Details of exterior building materials, color schemes and elevations shall be subject to the approval of the Director of Community Development prior to the issuance of Building Permits.
 - M. Consult with the Crime Prevention Division of the Public Safety Department for crime prevention measures appropriate for the proposed development.
 - N. During any construction, grading and demolition for this project, the hours of operation shall be limited to between 7:30 a.m. and 6:00 p.m. weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Such activities shall be prohibited on federally recognized national holidays.
 - O. The allowable educational and religious uses are limited to those detailed in the Uses section of the report. Any other uses will be deemed to be an expansion of use and shall require approval of a Use Permit with review by the Planning Commission.
 - P. Provide an accessible path of travel between the new buildings and throughout the site.
 - Q. **After project implementation, applicant shall be responsible to cover the cost of trip reduction or traffic calming measures caused by the impact of the applicant's activities on Astoria Drive if deemed appropriate by the Transportation and Traffic Manager.**

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain Building permits for any construction, demolition or grading done on site.
- B. Obtain necessary permits from the Department of Public Works for all proposed improvements, if necessary.
- C. Connect to all city utilities or private utilities operating under a City franchise which provide adequate levels of service, if any.
- D. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

- E. Obtain Fire Permits prior to issuance of Building Permits.
- F. Prior to issuance of a building permit, obtain approval from the Santa Clara County Environmental Health Department for all kitchen facilities.
- G. Owners of new construction shall file a Notice of Intent (NOI) with a vicinity map and the appropriate fee with the State Water Resources Control Board (State Water Board). The NOI must be filed prior to the commencement of construction.
- H. Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) for the project. The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. Non-storm water BMPs must be implemented year round. The SWPPP shall remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit.
- I. Submit an Urban Runoff Management Plan, including Non-industrial building non-structural Best Management Practices (BMPs), for approval prior to Building permits. Criteria to include avoiding copper roofing, gutters and trim.
- J. Implement and monitor Urban Runoff Management Plan during construction activities and on an ongoing basis after construction is complete.
- K. Plans submitted shall include a "Blueprint for a Clean Bay" prior to issuance of a grading permit.
- L. The maximum allowable noise level shall be in compliance with the City's Noise Ordinance (SMC section 19.42.030) [**formerly COA 3.B**]
- M. ***Obtain a Fire Permit for any tents over 200 square feet in size used on site, including for temporary use.***

3. ENVIRONMENTAL MITIGATION MEASURES

- A. Maximum allowable number of students that may be enrolled in the private school at any given time is limited to 354 students.
- B. [***COA moved to 2.L.***]
- C. ***Maximum number of attendees, hours of operation, and allowable on-site uses to be limited to the following:***
 - 1. ***Up to 354 students and 40 staff Monday – Friday from 8:00 a.m. – 5:00 p.m. for school-related activities.***
 - 2. ***Up to 20 attendees and 5 officiates Sunday – Friday from 6:30–7:30 a.m. for religious activities.***

3. ***Up to 20 attendees and 5 staff one evening per week (Wednesdays) from 7:30–9:30 p.m. for youth activities.***
 4. ***Up to 20 attendees and 5 staff 3 evenings per week (Wednesdays) from 6:00–10:00 p.m. for adult education activities.***
 5. ***Up to 50 attendees and 5 staff four times per month from 6:00–10:00 p.m. for school administrative activities.***
 6. ***Up to 150 attendees and 15 staff five days a week from mid-June to late-August from 8:00 a.m. – 6:00 p.m. for summer school activities.***
 7. ***Up to 200 attendees and 10 officiates 8 times per year from sunset to sunset for major religious holidays.***
 8. ***Up to 20 attendees and 5 officiates Sunday – Thursday one hour before sunset (between 6:00–9:00 p.m.) for religious activities.***
 9. ***Up to 50 attendees and 10 officiates Friday one hour before sunset (between 6:00–9:00 p.m.) for religious activities.***
 10. ***Up to 150 attendees and 15 officiates Saturday from 9:00 a.m. to sunset (between 6:00–9:00 p.m.) for religious activities.***
 11. ***Up to 200 attendees and 20 staff Sunday from 1:00–6:00 p.m. for youth activities.***
 12. ***Up to 200 attendees and 15 officiates once per month from 8:00 a.m. – 10:00 p.m. for various social and religious activities.***
 13. ***Up to 400 attendees and 25 staff six times per year from 6:00–10:00 p.m. for special school-related activities.***
- D. **Limit use outside of school hours to a maximum of 200 people, and limit use time to no later than 10:00 p.m.** [per 7/11/05 Planning Commission hearing; this COA is being appealed; this COA is in conflict with the revised recommended COA 3.C.1-13]

4. ACCESSORY BUILDINGS

- A. The previously approved modular classroom shall be relocated on the site as noted in the plans and used for storage only. Prior to occupancy permits being issued on the new construction, the trailer shall be inspected and verified as storage use only.

5. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

6. EASEMENTS AND DEDICATIONS

- A. Maintain the existing ingress/egress right-of-way along the western property line to enable City **vehicles** and **other** emergency vehicles access to the park.

7. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

8. FEES

- A. Pay standard fees and taxes.

9. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a "vision triangle" (For definition, refer to SMC 19.12.040(16), SMC 19.12.050 (12))

10. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development prior to issuance of a Building Permit and shall be subject to approval by the Director of Community Development. Landscaping and irrigation shall be installed prior to occupancy.
- B. Provide separate meter for domestic and irrigation water systems.
- C. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.

- D. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- E. Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Provide trees at minimum 30 feet intervals along west and north property lines, except where mature trees already exist.
- H. Of new trees installed, 30% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- I. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- J. For every tree that is removed, a **large species** replacement tree shall be planted on the site based on the approved landscape plan.
- K. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- L. All areas not required for parking, driveways or structures shall be landscaped.
- M. Include Best Management Practices (BMPs) in the landscape plan to minimize stormwater runoff from the site (recommended BMPs provided in the Sunnyvale Storm Water Quality BMP Guidance Manual).
- N. Provide deep root fertilizer treatment for 13 trees (#3-7, 9-13, 19-21) to mitigate the existing drought stress as detailed in the Arborist Report (see Attachment G).
- O. At least 50% of the parking lot shall be shaded at 15-year growth of trees.

11. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.

- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.
- F. A Tree Preservation Plan is required for all trees listed in the Arborist Report (Attachment G) in any proposed construction area. Tree preservation plan shall show all trees both those proposed for removal and those proposed to be preserved and protected. Specific details are needed to show that construction and paving around Coast Live Oak trees will not injure them. Mature trees should not be removed to provide parking. Parking configuration should be designed to preserve existing mature trees where possible. Maintenance shall continue on all existing trees during construction period.
- G. Parking lot shading requirements per Title 19.38 shall be required for all new and reconstructed parking areas

12. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - i. Sodium vapor (of illumination with an equivalent energy savings).
 - ii. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.

- iii. Provide photocells for on/off control of all security and area lights.
- iv. All exterior security lights shall be equipped with vandal resistant covers.
- v. Wall packs shall not extend above the roof of the building.
- B. Lights shall have shields to prevent glare onto adjacent residential properties.
- C. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

13. PARKING / CIRCULATION

- A. A total of 2 preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building for exclusive use by carpool vehicles carrying at least two employees or two children per vehicle.
- B. Specify number of parking areas on the plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- C. Install stop signs at the exits of the parking lot for drivers merging onto Astoria Drive to reduce traffic hazards.
- D. Inform regular users of site (i.e. parents of students, scout troops, congregants, etc.) to park only in the school parking lot or to participate in the Transportation and Parking Management Plan (see Condition of Approval 18.A) for high-volume events.

14. BICYCLE PARKING

- A. Provide 12 Class I (bike lockers which protects the entire bicycle) and 11 Class II (bicycle rack) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

15. RECYCLING AND SOLID WASTE

- A. Provide a waste/recycling enclosure per title 19.38.030, and submit plan for approval.
- B. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- C. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- D. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

- E. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

16. SIGNS

- A. All existing or new signs shall be in conformance with Sunnyvale Municipal Code and shall be reviewed under a separate permit application.

17. STORAGE

- A. All exterior trash shall be confined to approved receptacles and enclosures.

18. TRANSPORTATION AND PARKING MANAGEMENT PLAN

- A. Develop a Transportation and Parking Management Plan (TPMP) for high volume activities (***in excess of 100 people, with the exception of regular school hours***) and submit to the Director of Community Develop for final approval. TMP must be approved and in place prior to issuance of Occupancy Permit.
- B. For events not listed in the table of current uses, apply for a Temporary Use Permit 30 days prior to event. If the event is likely to exceed parking lot capacity, demonstrate compliance with the Transportation and Parking Management Plan.

19. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded prior to issuance of Occupancy Permits. Include undergrounding plan in submittal for Building Permits.
- B. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- C. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.